

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL - 5 2018

JAMES N. HATTEA Clerk
By *[Signature]* Deputy Clerk

Donnell Gilmore 069914

(Enter above the full name and prisoner identification number of the plaintiff, GDC number if a state prisoner.)

-VS-

1 18-CV-3259

Eric J. Levett

Kenyel Shandon Thomas

Doctor Jacobs + Correct Care Solutions

(Enter above the full name of the defendant(s).)

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes (☒) No (☐)

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): Donnell Gilmore

Defendant(s): (Eric J. Levett) (Kenyel S. Thomas) (Doctor Jacobs and Correct Care Solutions)

2. Court (name the district):

United States district court for the northern district of Georgia
Atlanta division

3. Docket Number: 1:16-cv-4671-SCJ

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: STEVE C. JONES
5. Did the previous case involve the same facts?
- Yes (☒) No (☐)
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
Dismissed without Prejudice for not properly stating facts of claim
also failure to properly state the relief seeking
7. Approximate date of filing lawsuit: 4-17-17
8. Approximate date of disposition: 3-23-18

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

A. Place of Present Confinement: Rockdale County Jail

B. Is there a prisoner grievance procedure in this institution?

Yes (☒) No (☐)

C. Did you present the facts relating to your complaint under the institution's grievance procedure?

Yes (☒) No (☐)

D. If your answer is YES:

1. What steps did you take and what were the results?

Filed a complaint with internal affairs; Determined the officer did
no wrong; Filed grievance with jail but they were ignored;
Filed a grievance with the office of inmate affairs but Lt. Pass is
over inmate affairs and the grievance was against him so he ignored it.
Line 2 2nd grievance was against the doctor and medical.

2. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: Donnell Gilmore

Address(es): 911 Chambers dr. Conyers Ga, 30012

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): [Eric J. Levett] [Deputy Kenyel S. Thomas]

Employed as [Sheriff for Rockdale County] [Deputy for Rockdale Co.]
Sheriff cleft] Correct Care Solutions Dr. Jacobs
 at ~~Rockdale~~ Rockdale Sheriff Office Levett + Thomas,
Dr. Jacobs Correct Care Solutions Contracted to the Co. Jail

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Deputy K. Thomas falsified the arrest incident on a legal official document and the documents shows he changed his report statements a number of times. In one paragraph, in the response to my internal affairs complaint its clear to see something wasn't right because Lt. Brewer screwed up by saying the video & audio was working then the next paragraph he said you can clearly hear Gilmore state the drugs found in his pocket was his, but the video wasn't working at the time. Fact is no drugs were found in my pockets. Officer K. Thomas whole arrest report is a joke that's not funny because its full of lies and contradictions. The only truth was the drugs he forced me to tell him ~~they~~ they were on the sink in the bathroom was all in one zip lock sandwich bag. The zip lock bag contained 13 baggies that were individually tied and not 11 as he stated

★ Add to claim something i'd forgot. While in the police car i asked deputy Thomas what made him think i had drugs, and he responded, we been had a red light on that apt. for drug activity. He did not say because he smelled drugs. The truth is, i'd only been there for 3 nites because during the day i was on the other st. around the lake also i didn't live there. The recording if not erased will support this claim. there was no strong smell of marijuana,

IV. Statement of Claim (Cont'd)

in the evidence confiscated report. Fact: He went on to say he chased me into the bathroom and during the chase i dropped a scale and little bags of marijuana in the living room and all around the bathroom floor also when he grabbed me around the waist as i was flushing the drugs he seen little bags of drugs swirling around in the toilet, was a complete lie. If it were the truth he would not have needed to wait on a search warrant and what happened to the drugs i dropped during the alleged chase? also i had my leg crush and my ankle fused in which my doctors did a bone graft and an ankle ~~for~~ fusion that left me where i have to use a walking cane and a walker, and i can't run, all i can do is wish i could run. I also was denied my right to confront my accuser during committal hearing which i know should have had my charges dropped and case dismissed and thrown out of court, but officer Thomas conveniently didn't show up instead he let officer Kueger show up in his place who didn't arrive until around 30 mins after the arrest incident and was not a witness to my claims of unlawful use of force, illegal arrest, or the amount of force he used while choking and twisting my arm behind my back that placed me under duress that made me tell him where the drugs were. Also the audio video will clear my statements and discredit the officer version of the arrest incident. I asked for copies of the video + audio from day one but was denied my right to them because they would have set me free. The tactic of holding a broke person in jail under duress knowing they'll take any offer to get out of jail. (2) (law library) I was denied (last year) and still am being denied adequate use of the law library and the access to legal documents, case laws, copies of case laws or anything pertaining to the help i need in filing a claim with the courts. I was sent a message on the kiosk telling me to get all my legal documents case law statute's from the pd. office. The pd. office said they don't assist with const. or civil matters.

Attorney: Mr. Charles Gasner gave me ineffective legal assistance by refusing to file any motions in my behalf that could have and would have prevented the state from maliciously prosecuted by the state he did nothing in my behalf but help the state get a plea and a conviction, while i was under duress. If i had money this case or the one in 2015 would have been dismissed because the witnesses he refused to contact or investigate to find out the truth and he looked the other way when i pointed out things in the arrest incident that was false and worth challenging and getting the charges dropped.

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

My charges from 2015 and 2016 which mr. Gasner represented or misrepresented me and caused me to be detained without him investigating or attempting to follow-up on trying to build a defense in neither case which ~~was~~ basically stemmed from the 2015 incident because Pearl's Hobson Niece used to live with me and lied to have me arrested because i'd gotten tired of being used by them. I need my charges dropped case dismissed, probation terminated, monetary damages for pain and suffering and the lost of everything i lost in storage. And a substantial amount for unlawful arrest, lying on an official legal document by falsifying the facts by a sworn officer of the Justice System. Also pain and suffering for Doctor Jacobs refusing to give me proper medical care or referring me to someone who would've given me the care i needed. He also maliciously denied ~~pay~~ me the care by sneaking out of the jail after promising me that i would be seen time after time no matter how much pain or suffering i was going thru.

Civil Rights Complaint

Pursuant to 42 U.S.C. § 1983

A-Continuation: Previous lawsuits:

[1] B-1 Parties to this previous lawsuit: Suit ① Donnell Gilmore-V- Eric J. Levett et. al.,
Suit-② Donnell Gilmore-V- Eric J. Levett et. al., Suit ③ Donnell Gilmore-V- ~~Eric J. Levett et. al.~~ Thomas E. Brown et. al.,
Suit ④ Donnell Gilmore-V- Thomas E. Brown et. al.,

B-2 Court name: U.S. district court for the northern district of Ga.; Suits ① ② ③ ④

B-3 Docket numbers: suits ① 1:16-cv-4671-SCJ; ② 1:12-cv-0951-SCJ; ③ 1:11-cv-0462-SCJ
Suit ④ 1:09-cv-01691-BBM;

B-4 name of Judge to whom case was assigned: Suit ①+② Steve C. Jones; Suits ③+④

Cant remember:

B-5 Did the previous case involved the same facts? yes; Suits ② ③+④ are basically the same
Without the arrest for drugs, the unlawful arrest and the unlawful use of force.

B-6 suit ① dismissed without prejudice; Suit ② dismissed for non compliance; ③+④ dismissed
for non compliance; ② ③+④

CIVIL RIGHTS COMPLAINT

PURSUANT TO 42 U.S.C §1983

Continuation:

(A) Previous law suits: yes

B-1 Parties to this Previous law suits: Suits ① Donnell Gilmore-V- Eric J. Levett et. al.,
Suits ② Donnell Gilmore-V- Eric J. Levett et, al, **③** Donnell Gilmore -V- Thomas E. Brown
Suits ④ Donnell Gilmore-V- Thomas E. Brown et. al.,.

B-2 Court name: U.S. district Court for the northern district of Ga. suit ① ② ③ ④

B-3 Docket numbers: suit-① 1:16-CV-4671-SCJ; **②** 1:12-CV-01951-SCJ; **③** 1:11-CV-0462-SCJ
suit ④ 1:09-CV-01691-BBM

B-4 Name of Judge to whom case was assigned: suit ①+② Steve C. Jones; **Suits ③+④** can't
 remember: I had brain injury in an accident and have a hard time remembering sometimes

B-5 Did the previous case involved the the same facts. yes ①:

② ③ ④ are basically the same without the arrest for drugs ~~and~~ the unlawful arrest
 and the unlawful use of force.

B-6 suit ① dismissed without prejudice **② ③ ④** dismissed due not complying to Judge order
 because each time i was released i was admitted to the V.A. hospital for surgical procedures,
 that left me laid up, because of the lack of medical treatment at jail. Can show proof of medical records

B-7 suit ① 4-17-17; **②** around 2012; **③** Around 2011; **④** around 2009

B-8 suit ① 3-28-18 **② ③ ④** can't remember

CIVIL RIGHTS COMPLAINT
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Continuation:

1 (A) Previous law suits: Yes

(B) 1 Parties to this Previous law suit: Donnell Gilmore - V - Eric J. Levett, et, al.,

Suit 2 Donnell Gilmore - V - Eric J. Levett et, al., 3 Donnell Gilmore - V - Thomas E. Brown et, al.,

Suit 4 Donnell Gilmore - V - Thomas E. Brown et, al.,

(B) 2 Court name: U.S. district Court for the northern district of Ga, suit 1 2 3 4

(B) 3 Docket numbers: Suit 1 1:16 - CV - 4671 - SCJ : 2 1:12 - CV - 01951 - SCJ :

3 1:11 - CV - 0462 - SCJ : 4 1:09 - CV - 01691 - BBM :

(B) 4 name of Judge to whom case was assigned: Suits 1 & 2 Steve C. Jones

Suits 3 & 4 Can't remember: I had a brain injury in a accident and have a hard time remembering
Sometimes

(B) 5 Did the previous case involved the same facts? 1 yes, 2 3 & 4 are basically the same without
the arrest for drugs, the unlawful arrest and the unlawful use of force.

(B) 6 suit 1 dismissed without prejudice; 2 3 & 4 dismissed due to not complying to Judge
order, because each time i was released i was admitted to the V.A. hospital for surgical procedures,
that left me laid up, because of the lack of medical treatment at jail. Can show proof of records

(B) 7 suit 1 4-17-18; suit 2 around 2012; 3 2011; 4 2009

B 8 suit 1 3-28-18; 2 3 & 4 Can't remember